



**FIRST AMENDMENT  
TO  
AMENDED AND RESTATED DECLARATION  
FOR  
CEDAR LODGE**

THIS AMENDMENT to the Amended and Restated Declaration for Cedar Lodge is made on this 13<sup>th</sup> day of AUGUST, 2007 by Cedar Lodge Condominium Association, Inc., a Colorado nonprofit corporation ("Association").

**RECITALS**

A. On March 24, 1989, Cedar Lodge Partners, a Colorado general partnership (the "Declarant") recorded the Amended and Restated Declaration for Cedar Lodge, a hotel condominium now known as Cedar Lodge Condominiums in the real property records of Summit County, Colorado at Reception No. 368110 (the "Original Declaration").

B. Paragraph 22 of the Original Declaration provides that the Original Declaration may be amended with the consent and agreement of Owners whose ownership interests represent an aggregate ownership of 75% or more of the General Common Elements and First Mortgagees whose liens encumber an aggregate ownership interest of 67% or more of the General Common Elements. Pursuant to C.R.S. Section 38-33.3-217(1)(a), any amendment provision that specifies a percentage of owners larger than 67% is declared void as contrary to public policy and shall be deemed to specify 67%. Accordingly, Paragraph 22 of the Original Declaration is deemed to require the consent and agreement of Owners whose ownership interests represent an aggregate ownership of 67% or more of the General Common Elements and First Mortgagees whose liens encumber an aggregate ownership interest of 67% or more of the General Common Elements.

C. The Owners of Units in Cedar Lodge desire to further restrict the placing of subordinate covenants or restrictions or other restraints of the free alienability of Units within the Project.

D. Owners representing an aggregate ownership interest of 67% or more of the General Common Elements have approved the amendment below.

E. Pursuant to C.R.S. Section 38-33.3-217(b), the Association has (i) sent a dated, written notice and copy of the proposed amendment by certified mail to each First Mortgagee at its most recent address as shown on the recorded deed or trust or recorded assignment thereof; and (ii) caused the dated notice, together with information on how to

obtain a copy of the proposed amendment, to be printed in full at least twice, on separate occasions at least one week apart, in a newspaper of general circulation in Summit County. By not delivering to the Association a negative response within 60 days of the date of the notice, First Mortgagees whose liens encumber an aggregate ownership interest of 67% or more of the General Common Elements are deemed to have approved the amendment below.

NOW, THEREFORE, the Original Declaration is hereby amended as follows:


**1. Paragraph 24(o) is hereby amended to state:**

(o) Other than as stated in Paragraph 17, there are no restrictions on or requirements concerning the sale or lease of a Unit. There shall be no rights of first refusal on a sale or lease of a Unit. Furthermore, there shall be no other restraints on the free alienability of a Condominium Unit, including but not limited to any covenants or deed restrictions which purport to discriminate in the sale, transfer, lease or occupancy of the Condominium Unit because of disability, race, creed, color, sex, marital status, familial status, religion, national origin, ancestry, age, sexual orientation, economic status, income, and/or employment status. Any such restriction shall be voidable and shall be deemed void by the Association upon Association recording a notice to that effect.

**IN WITNESS WHEREOF**, the undersigned, being the President and the Secretary of Cedar Lodge Condominium Association, Inc., hereby certify that the Association has obtained the written consent and agreement of these amendments as set forth in the Recitals above as evidenced by written instruments recorded herewith and as filed with the records of the Association.

CEDAR LODGE CONDOMINIUM  
ASSOCIATION, INC., a Colorado nonprofit  
corporation

By:

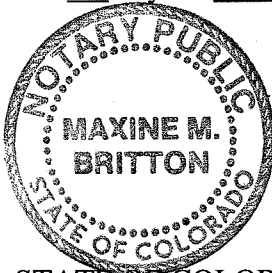
  
President

Attest:

  
Secretary

STATE OF COLORADO )  
 ) ss.  
COUNTY OF SUMMIT )

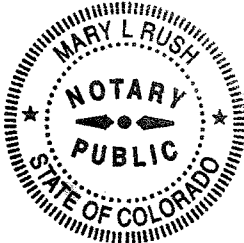
The foregoing First Amendment to Amended and Restated Declaration for Cedar Lodge was acknowledged before me by STEVEN KONECNY, as President of Cedar Lodge Condominium Association, Inc., a Colorado nonprofit corporation, on this 13<sup>th</sup> day of AUGUST, 2007.



Maxine M. Britton  
Notary Public  
My Commission expires: 11-27-07

STATE OF COLORADO )  
 ) ss.  
COUNTY OF Boulder )

The foregoing First Amendment to Amended and Restated Declaration for Cedar Lodge was acknowledged before me by CATHERINE SHENK, as Secretary of Cedar Lodge Condominium Association, Inc., a Colorado nonprofit corporation, on this 9<sup>th</sup> day of AUGUST, 2007.



My Commission Expires  
09/20/09

Mary L. Rush  
Notary Public  
My Commission expires: 9/20/09

AFTER RECORDING, RETURN TO:

Orten Cavanagh Richmond & Holmes, LLC  
1301 Washington Avenue, Suite 350  
Golden, CO 80401  
Attn: LCH